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Gerry Singsen

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ADVOCATES AND ACADEMICS IN A FISHBOWL: APPLICATION OF A DIALOGIC MODEL

*GERRY SINGSEN**

SUMMARY

The Harvard Law School Conference on Housing Advocacy for the Poor in New England brought together fifty-five advocates, academics, and policy makers for an intense three day discussion in early November 1989.¹ While most participants came from within the region, some individuals brought national perspectives. The Conference explored fundamental dilemmas of limited resources, contradictory strategies, and racial segregation. In addition, theoretical perspectives on aggressive, high volume tenant defense tactics and the testing of those theories in law school clinical settings were described and critiqued. The Conference used a presentation technique designed to maximize participant interaction in the six sessions. For each session, a small number of participants made very brief opening presentations while sitting in a "fishbowl" — a central, square table surrounded by the rest of the participants, sitting in two rows, as in a theater in the round. A facilitator quickly expanded the dialogue initiated by the opening presenters to include all the participants. As a result, most of the par-

* A.B. Brown University 1964; LL.B. Columbia Law School 1967. Mr. Singesen is a Lecturer on Law at Harvard Law School and is Coordinator of both the Interuniversity Consortium on Poverty Law and the Harvard Law School Program on the Legal Profession.

1. The conference was a project of the Interuniversity Consortium on Poverty Law, and was partially funded by the Ford Foundation.

ticipants actively participated in the thoughtful debates and developed new working relationships, insights, and ideas for advocacy and scholarship.

INTRODUCTION

Housing advocates face a difficult situation. At least in the foreseeable future there will be an inadequate supply of public housing, continued withdrawal of low-income units from the market through deterioration and gentrification, a proliferating homeless population, shelter impoverishment, and segregation of the minority poor in dilapidated neighborhoods starved for capital and basic services. Confronting this dismal situation, thousands of housing advocates continue to provide services, design programs, build housing, organize tenants, forestall evictions, enforce rent control laws, require due process from public authorities, and otherwise struggle to accomplish useful results despite the national disgrace that is our housing policy.

In New England, national patterns are replicated in particularly harsh terms. The urban housing stock is aged and dilapidated, the local economy is moving into recession, and the political atmosphere is angry and increasingly unsympathetic to the needs of the poor. Yet, at the same time, the region boasts the intellectual resources of America's greatest universities and law schools, some of the most highly acclaimed advocacy organizations in the nation, and progressive politicians and policy makers.

In the hope of helping representatives from these important segments of the New England Community find more effective ways of understanding each others' perspectives and using their shared resources, the Harvard Law School Program on the Legal Profession convened a small conference on the dilemmas and possibilities of low-income housing policy and advocacy in New England. The participants were New England legal services lawyers, poverty advocates, law school professors, academics from other disciplines, policy makers, and independent thinkers. Professor Duncan Kennedy of Harvard Law School facilitated the conference which the author administered.

The conference began on the evening of Friday, November 3, 1989, met all day Saturday, and concluded at 1:00 on Sunday, November 5. All sessions convened in the Spy Room on the third floor of Pound Hall at Harvard Law School. The conference utilized innovative and informal discussion format to facilitate the maximum exchange of expertise and perspective in the limited time available.

SUBSTANTIVE GOALS OF THE CONFERENCE

The proposal for funding the housing conference set forth four separate objectives. First, the conference sought to enable participants to develop ideas for more effective strategies for eviction defense litigation and other housing advocacy. Second, the program aimed to test the ability of an innovative "fish bowl" conference approach to facilitate both detailed exploration of ideas and involvement of all participants. Third, the conference was to serve as a model for similar interactions between advocates and academics in other communities and on other substantive issues. Finally, the conference was designed to break down barriers and isolation and to promote the real exchange of ideas and experiences between policy theorists and legal services practitioners. This would enable people concerned about housing for the poor to share information, consider possibilities, develop networks, and identify worthwhile projects for scholarship and action. Specifically, this objective will challenge academics to expose their theories to the real-world experiences of advocates and will challenge advocates to examine their actions in the light of the theoretical implications suggested by academics. Related to the fourth goal, the conference plan intended to present the current theory and practice developed by Gary Bellow, Jeanne Charn, Duncan Kennedy, and others in the housing representation undertaken by the Legal Services Center and the Housing Law and Policy course taught at Harvard Law School.

CHOOSING THE SUBSTANTIVE ISSUES

Selection of the dilemmas around which to construct the conference discussion was accomplished in several stages. First, after a number of meetings to consider design, Duncan Kennedy created a first draft of a list of "dilemmas." The purpose of the list was to demonstrate the apparent inconsistencies of a number of currently popular housing advocacy strategies.

After revisions, the list was sent for review and discussion to Allan Rodgers, Director of the Massachusetts Law Reform Institute (the major provider of state support services to the Massachusetts legal services community), Dan Manning, Director of Litigation at Greater Boston Legal Services (GBLS) (the largest legal services program in New England), and Jeff Purcell, at the time the housing specialist on the staff of Massachusetts Law Reform Institute (but normally a staff attorney in the housing unit at GBLS).

With the initial conference proposal and the draft dilemmas as a ba-

sis for discussion, Duncan Kennedy and the author met with these three individuals to consider the value, timing, and structure of a conference. Based on comments made during and after the meeting, the dilemmas were amended to more appropriately state the advocates' perception of the dilemmas in practice. All participants in the meeting approved the general idea of using dilemmas as the basis for a discussion intended to provoke open and probing analysis.

THE THREE DILEMMAS

The Three Dilemmas: The conference focused not on global solutions but on the recurrent practical dilemmas of low-income housing work in New England. Discussion was organized around three specific dilemmas confronting housing advocates and housing theory. Each dilemma contained a number of associated practical topics, most of which did not appear to offer any obvious resolution. Indeed, central to the conference's purpose was ensuring that discussions about each dilemma would explore the fundamental contradictions within the strategies of progressive advocates and academics.

The first dilemma was neighborhood instability, exemplified by rapid deterioration and rapid gentrification. Advocates address instability through a wide variety of policies including, but not limited to: (1) warranty or code enforcement; (2) rent control; (3) linkage; (4) neighborhood movements to occupy land and buildings; (5) anti-displacement suits based on federal statutes; and (6) new low-income construction and rehabilitation through a multiplicity of subsidy programs. The question is, under what circumstances do the above initiatives work, and when do they become self-defeating by accelerating either deterioration or gentrification?

The second dilemma was the allocation of scarce housing resources between the more and less disadvantaged. Three questions must be asked when discussing this dilemma. First, is there a trade-off between providing the best possible housing environment for those in the eligible population and providing housing of last resort (meaning preference for the homeless and others who are excluded from market housing)? This issue arises both in the context of public housing selection procedures and in the design of subsidized projects with an income mix. Second, is there a way of preventing subsidies meant for low-income people from ending up funding the building of units for middle and upper income people? Finally, how should the limited resources for the homeless be allocated between low-cost but sub-code and iso-

lated shelters (and other emergency units), and higher cost alternatives?

The third dilemma was racial concentration, as exemplified in three issues: (1) whether or to what extent the number of minorities in a public housing project may be limited to prevent "tipping" and segregation; (2) whether or to what extent the state should take vigorous measures to prevent rapid neighborhood racial transition (often associated with blockbusting) when the consequence will be to slow the expansion of minority housing opportunities; and (3) whether to concentrate on opening up the suburbs to housing projects or on getting the suburbs to subsidize housing opportunities in the inner city.

The conference did not aim to resolve the dilemmas. Instead, its starting point assumed that advocates would continue to disagree about how they should deal with each dilemma. The goal was to isolate the dilemmas, confront them openly, identify their recurrent themes and interconnections, and attempt to generalize about them in ways that would leave the advocates, policy makers, and scholars with a better understanding of the choices they have been making and, perhaps, with some new ideas for useful strategies, policies, and scholarship.

SELECTING THE PARTICIPANTS

The initial design anticipated thirty participants, including approximately eight local legal services program lawyers, several leaders in the national legal services housing advocacy community, several advocates who were not part of the legal services community, legal academics from Harvard Law School and other law schools, academics who were not law school teachers, leading public policy theorists on housing, and individuals involved in the production or improvement of low-income housing. This array of institutional settings and housing market roles was intended to assure that most of the principal "interests" would be represented in the discussions about housing advocacy. Without such an array, the important objective of breaking down barriers between traditional communities (town and gown, academic and advocate) would be impossible.

The final list of participants numbered fifty-three, including moderators — far more than originally planned. Ultimately, the number of participants grew because of the desire to have more viewpoints than we could accommodate in the original target size. The need to represent certain significant components of the housing policy discussion

dictated the choice of participants. Specifically, we added legal services advocates who held important roles in both Boston and the New England region, law school professors, academics from other university settings, lawyer advocates not in legal services programs, non-lawyer advocates, policy makers, and a visitor from English legal services.

This group seemed too large for the kind of personal exchange sought in the design. Certainly, had all fifty-three been in the room at the same time, there would have been difficulty including everyone in each conversation. However, the actual number of people present for each panel was considerably less; the maximum number at a session was forty-five.

As it turned out, a group of fifty could probably be handled well in a fish-bowl style. A majority, although not everyone, could speak in the course of ninety minutes. Over the period of several panels, no one would be excluded. Moreover, because the dynamics of the conversations are so intimate, even those who do not speak are generally deeply engaged.

The process of selecting specific individuals to invite was relatively straightforward. Duncan Kennedy and the author met several times to identify more specifically the relevant communities for the types of policy and advocacy discussions that might be undertaken. We identified individuals known to hold leadership positions in these communities. We then called these individuals, or people who seemed likely to know the principal actors in each community, and asked for recommendations about potential participants in the conference.

For the legal services community, participant selection involved a more extended process. At the meeting regarding conference substance held with Allan Rodgers, Dan Manning, and Jeff Purcell, an additional discussion focused on known housing advocates for the poor in New England, including individuals who were not legal services attorneys. When this discussion proved inadequate to identify potential participants from outside Massachusetts, the author called the directors of most of the legal services programs in the region, explained the conference design and asked for suggestions about participants from the directors' own programs and from others. In this fashion, a moderate consensus emerged about the leading housing advocates. Because the initial recommendations from the planning meeting tended to identify more experienced advocates, selections from among those recommended by directors tended toward younger attorneys for balance. In addition, a desire for regional distribution guided several selections.

Invitations were sent to all persons identified. The ability to pay travel and lodging costs for participants who lived more than 50 miles from Boston was important to the legal services advocates who accepted invitations. It seemed clear that as many as half a dozen legal services lawyers would have declined if Harvard had not paid their expenses; they did not seem to have recourse to program budgets for the expenses of a conference of ideas and intellectual exchange.

Two aspects of the participating group were not particularly satisfactory. First, because we did not begin recruiting participants until two months before the conference dates, we failed to obtain the participation of any representatives of the national legal services housing advocacy community. Invitations were extended to four individuals, none of whom were able to come.

Second, reflecting the academic and legal services advocacy communities dealing with housing in New England, the participating group was largely white. Only six participants were black (all men), two were Hispanic (both women), and the remaining forty-five (85%) were white. Men constituted two-thirds of the group.

METHODOLOGY FOR THE CONFERENCE

From the outset, the design for the conference was intentionally experimental. The goal was to facilitate the exchange of ideas, perceptions, resources, and possibilities among the critical people who were to be invited to participate.

No Commissioned Papers

No papers were specifically commissioned because it was believed that presenting papers in the traditional academic and professional fashion would reduce the possibility of a truly open and unconstrained exchange of ideas. It seemed likely that identifying some participants as the experts by asking them to write papers would be inappropriate in a gathering in which all the participants were, in fact, experts. Moreover, the value of this conference format as a model for replication by others would be significantly reduced by the administrative burden and costs associated with commissioning and obtaining papers.

Instead of commissioned papers, the initial conference design suggested that each participant would be asked, in advance, to identify existing material that he or she thought might be important for others to read prior to the conference. During planning for the conference, however, we concluded that the volume of materials that such a diverse

group of individuals would identify far outweighed either the available time for participant preparation or any sensible expectation of a useful reference package. In addition, reliance on such a large amount of written material would reduce replicability. Moreover, it seemed unlikely that the participants would actually read a substantial portion of any such compendium. Consequently, the conference sessions proceeded without any prior writings to review.

Fishbowl Seating Arrangement

Because the goal of the conference was to maximize participation and exchange among the participants, traditional formats for discussions were discarded. In most conferences, speakers sit in front of the room, often behind a table, and address the audience. When an audience member asks a question, the response tends to be directed to the questioner, and rarely leads to conversation which includes others in the room, or even others on the panel.

In a fish-bowl arrangement, the speakers sit in the center of the group, facing each other across or around a table. As they present their initial statements, they tend to speak to each other, leading naturally into conversation among the speakers. Members of the audience sit quite close to the speakers because the number of chairs in the "front" row is far greater than possible in a standard audience set-up. For example, at the housing conference, five people sat at a central table. The first row of chairs surrounding the table included twenty people; the second another twenty-eight.

Once the speakers are well into their discussion, the task of the facilitator is to recognize the desire of participants to join the conversation, to keep track of who is anxious to speak, and to continuously add new participants to the discussion. Because everyone is quite close together, conversational tones are adequate and the sense of a large but close group develops rapidly.

The panels of participants were asked to begin with a brief five minute statement and then to engage in discussion among themselves as a means of trying to get the debate to focus quickly. It proved difficult to limit them to such a short statement, but even if the time extended to seven or eight minutes, sufficient time remained for a serious and highly participatory discussion.

In selecting which individuals to ask to speak, we sought to ensure that the principal divisions within the topic were being presented and

that the panel reflected diversity of institutional setting, gender, and race.

THE CONFERENCE EXPERIENCE

Opening Evening

The conference opened at 7:00 on Friday evening with a brief period for drinks and then dinner. Participants seated themselves as they arrived at tables set for four. Generally, people sat with individuals they knew prior to the conference. Conversation over dinner was lively, with a fair amount of movement among tables to make contact with old friends.

Shortly after 8:00, when everyone had eaten, the participants were asked to leave the tables and bring their chairs to one portion of the room. The tables were quickly pushed back into the opposite side of the room, and the chairs were arranged in four quarter-circular rows facing into a corner. Four chairs were set up in the corner, facing back out toward the reassembled participants.

Three people had been asked to begin the conference by reflecting upon the current state of housing and housing advocacy in New England. Barbara Sard, a well-known welfare lawyer at Greater Boston Legal Services (GBLS) who had recently taken on the task of heading the GBLS Homelessness unit, spoke first. Sard was followed by Bill Apgar, a professor at Harvard's Joint Center for Housing Studies and Jeanne Charn, former director and currently a staff attorney at the Legal Services Center in Jamaica Plains. The Center is a law school clinic combined with a neighborhood legal services office in a low-income Boston community.

These three speakers previewed the upcoming sessions by presenting three distinct images of the housing crisis. Sard contended that the basic issue was to recognize that we were experiencing a deep societal crisis symbolized by the actual increase in homelessness, and that we needed global responses, including new housing, to overcome the challenges. Apgar proposed that the solution was to develop and stimulate housing demand through large-scale national programs. In response, Charn suggested that, at least until such large scale programs are created, considerable progress is possible by attacking the local institutions that govern the cost and quality of both public and private housing. Charn spelled out the high volume, aggressive tenant defense strategy that she and Gary Bellow developed which is being explored in the scholarship of Duncan Kennedy and various students.

The three speakers prompted discussion that continued until 10:00, when the session closed for the evening. Several issues were raised by participants that were to be heard throughout the conference. First, perhaps the most important issue is whether the government can find sufficient will to build housing for the poor without having to assure substantial profits for the wealthy. Second, it was suggested that radicals waste their time when they debate about which group of poor people to help rather than finding ways to actually help some poor people. Finally, while market theory suggests that aggressive housing code enforcement will drive slumlords out of business, towns with less than one percent vacancy rates indicate the theory is a ridiculous prediction. After the formal agenda was concluded, some participants stayed in the meeting room for another 30 minutes, continuing their discussion of the issues.

Saturday Panels

Saturday morning's dilemma, presented in two parts, concerned "Neighborhood Instability and Advocacy Options." The first conversation was about "Neighborhood Instability and National Economic Forces." Speaking to this topic were Professor Duncan Kennedy, Harvard Law School, Professor Rolf Goetze, M.I.T., Raun Rasmussen, a staff attorney from South Brooklyn Legal Services Corporation in New York City, and David Sullivan, General Counsel to the Secretary of State of Massachusetts. The author facilitated.

A major theme was Kennedy's assertion that, contrary to traditional economic theory, early and aggressive code enforcement through government policy and aggressive advocacy against evictions could stop both the neighborhood deterioration by which non-resident owners milk properties and the rapid gentrification encouraged by non-residential owners seeking to withdraw windfall profits.² Participants seemed surprised to learn that ten years of such advocacy in Jamaica Plains, a low- and moderate-income community in Boston, had produced only two abandoned buildings. Speakers urged that rent control can hold units in the low-income housing stock and that the government could play a more proactive role by turning abandoned and foreclosed properties over to low-income housing uses rather than to business development. However, concerns regarding this approach included awareness that the rhetoric of "aggressive advocacy" can undercut an

2. In both cases, the housing leaves the low-income stock and is not replaced.

advocate's readiness to negotiate deals that work for the community, uncertainty about the advocate's role in identifying situations in which gentrification rather than deterioration was about to occur, and a worry that the popular culture's belief that code enforcement does not work may defeat strategies calling for more stringent enforcement.

The second panel of the morning focused on "Anti-Displacement Strategies at the Neighborhood Level." Four new discussants led this session, again moderated by the author. The discussants were Professor Gary Bellow, Harvard Law School, Charlie Harak, a staff attorney at the Massachusetts Law Reform Institute, Lew Finfer, Director of the Massachusetts Affordable Housing Alliance (Boston), and Emily Achtenberg, a housing consultant located in Boston.

This panel widened the advocacy options to consider the following: exploring the value of declaring a particular neighborhood an "eviction free zone" in which every tenant facing eviction will be strenuously represented; taking on public housing evictions to avoid massive displacements based on any family association with illegal drugs; organizing community groups to assert their interests in "affordable" housing through the Community Reinvestment Act; or even creating a new concept of "social" ownership through which increased housing value is retained in the community rather than siphoned off by suppliers of capital. The debate in the full group grew hotter, with disputes about the quality and worth of the public housing resource, the impact on advocacy strategies that arises from variations in local eviction laws, the role of limited equity cooperatives, and the gap between exciting theoretical constructs and the daily realities of advocacy choices.

The Saturday afternoon program concerned the familiar "Dilemmas of Limited Resources." The first aspect of the dilemma focused on identification of the relevant "Constituencies for Low-income Housing" and was facilitated by Professor Christopher Edley of the Harvard Law School. The opening speakers were Jeff Purcell, a staff attorney at Greater Boston Legal Services, Amy Anthony, Secretary of Communities and Development for the Commonwealth of Massachusetts, and Peter Dreier, from the Boston Redevelopment Authority. They raised concerns about the need for a massive coordinated effort to mobilize resources, the inadequacy of current governmental resources, and the tough advocacy decisions over which elements of the low-income community should be represented.

The fourth speaker, Harry Spence, currently a Professor at the John F. Kennedy School of Government and, formerly the Receiver of the

Boston Housing Authority, ignited the session by challenging legal services advocates to reconsider their beliefs about which outcomes favor clients who are public housing tenants. Specifically, Spence suggested that legal services programs should represent tenants and tenant groups seeking to establish greater control over their dangerous environments. Spence stated that the programs should be prepared to support whatever choices their client groups might make about the way they would like to structure their environments. The example that provoked the most debate concerned representation of low-income tenants who organize to evict drug-selling tenants and their relatives. Spence charged that legal services programs are willing to engage in "rights" advocacy but are afraid to accept the consequences of actually "empowering" poor clients because empowered clients behave too conservatively — too much like working class individuals. Spence's claims evoked strong rebuttal from some of the advocates, who cited examples of client groups that control their own strategies, and emphasizing that an important role of the lawyer is to help clients identify their options and make informed choices.

The second portion of the limited resources discussion concerned "Allocating Resources Among Constituencies." Facilitated by Professor Debbie Bell of the University of Mississippi School of Law, this conversation included Dan Manning, Director of Litigation at Greater Boston Legal Services, Gus Newport, Executive Director of the Dudley Street Neighborhood Initiative and former Mayor of Berkeley, California, Professor Marc Feldman of the University of Maryland School of Law, and Dan Wuenchel of the Cambridge Housing Authority.

The discussion highlighted several constituencies that speakers believed were not receiving their proper share of advocacy and policy attention, such as the homeless and true community-based initiatives. Moreover, some argued that certain issues received too much attention. For example, Dan Wuenchel argued that it was a mistake to place representation of public housing tenants high on a priority list. Why should fights among poor people over who receives the public subsidies occupy more attention than the work to increase those subsidies? Professor Feldman suggested, however, that most advocacy organizations select cases in an almost random fashion, give merely advice to most applicants for service, settle most of the remaining cases, and have little knowledge of political or economic conditions that might, according to theory, suggest particular resource allocations.

These remarks fueled a serious dispute among the conferees. If case selection is not guided by policy choices, maybe community groups

should be given greater control over it. Indeed, perhaps this conference should have included more representatives of community organizations to argue for what they perceive to be the most important resource allocations. Is it appropriate for a publicly funded advocacy organization to select certain types of cases and thereby force governmental agencies to allocate their resources to defending those cases instead of working on whatever issues the agencies think are most important? What policy about case priorities should control the choices made by advocacy organizations?

Saturday Evening

There was no formal program arranged for Saturday evening. However, about a dozen participants gathered together in the Lounge at the Sheraton Commander Hotel, where a number of participants were staying, and talked until well after 7:00. At that point, some participants continued on to dinner together. Several participants indicated that these discussions were the most fruitful of the entire conference, because they allowed a longer, more personal and more detailed exploration among a small number of individuals than was possible in the sessions during the day.

Sunday Morning

The final morning of the conference focused on the "Dilemmas of Racial Concentration" with the first seventy-five minute session discussing "Possible Strategies in the Face of Racial Concentration." The speakers were Professor John Calmore, from Loyola Law School in Los Angeles, John Powell, Legal Director for the American Civil Liberties Union, Mac McCreight, Director of the Housing Unit of Greater Boston Legal Services, and Professor Yale Rabin, from M.I.T. The conversation was facilitated by Frank Smizik, a staff attorney at the Massachusetts Law Reform Institute.

The central issue was whether the historical civil rights strategy of pursuing integration was still believed to be optimal, or whether a concept Calmore called "spatial equality" was now more appropriate. Through spatial equality, areas with predominantly minority populations would assert their right to equal services, resources, and opportunities and develop the strengths of their populations. But an integrationist strategy may still be more productive in fighting increasing patterns of economic as well as racial segregation. Spatial equality may involve greater risks for low-income residents, longer periods of

intense poverty, greater costs in each community, and the loss of the moral and constitutional high ground.

The final discussion of the conference, "Integration versus More Housing for Minorities," continued this complex debate, with Professor Derrick Bell, Harvard Law School, Jack Boger, General Counsel of the N.A.A.C.P. Legal Defense Fund, Inc., Professor Bob Solomon, Yale Law School, and Professor Harold MacDougall, Catholic University Law School, taking the lead roles in a lively conversation facilitated by Professor Kennedy.

Among the ideas put forth was the suggestion that neither integration nor spatial equality is acceptable, since they both lead to continued racism and the absence of adequate investment in the center city. Saturday's theme — that some of these issues are not relevant for the advocate playing a "lawyer's" role on behalf of a client — re-emerged with the assertion that client groups are clear that they want to seize whatever opportunities there are, wherever they arise, for additional low-income housing for the homeless. And the conference closed with MacDougall's perception that the issue of integration versus spatial equality is too dichotomized, while the reality is choices along a continuum defined by economic and political conditions. If this is true, then once again a critical task for advocates and policy analysts is to work together to ensure that advocacy choices are fully informed about relevant conditions and policy proposals take account of the messy environment in which they might be implemented.

EVALUATIVE REFLECTIONS BY PARTICIPANTS

The conference design called for several forms of evaluation by the participants. The first was simply the subjective assessments of the participants through their statements made at the conclusion of the conference. These participant observations were mainly extremely positive, although several advocates felt that the discussion had been too theoretical to be directly useful.

Second, some of the participants joined in presentations regarding the conference at two subsequent conventions. At the National Legal Aid and Indigent Defendants (NLADA) convention in Kansas City, Missouri in mid-November 1989, Duncan Kennedy, Allan Rodgers, and the author presented some of the ideas and the format of the conference to an audience of about eighty conference attendees. The reception was enthusiastic. The NLADA evaluation forms reported extremely high levels of interest in the substantive topics and in the

possibility of future meetings in which advocates and academics jointly explored the intersection of advocacy and scholarship.

At the Annual Conference of the American Association of Law Schools (AALS) in January 1990 in San Francisco, the author reported briefly on the housing conference to about seventy-five people who attended the program of the AALS Law and Social Science Section. No systematic report of audience response to this presentation was made, but about six audience members asked questions and showed interest in subsequent discussions.

Finally, a follow-up evaluation by the participants was conducted three months after the conference. In January 1990, evaluation questionnaires were distributed to participants in the housing conference. One-third of the conference attendees returned the questionnaires. Four respondents supplemented their forms with detailed written answers. Over one-half of the women who attended the conference responded, compared to one-fourth of the men.

Overall, the conference attendees indicated a favorable response to the conference, rating it a 3.8 on a scale of 1 to 5, with "5" indicating a rating of "Great", "3" "O.K.", and "1" "Poor." Seventy-seven percent of the attendees rated it a four or five. Those who rated the conference lowest included one individual who gave it a "2", and two individuals who gave it a "3." These attendees found the conference less than favorable because of the lack of diversity in conference participants, particularly the small number of community organizers and client representatives, and the panel format, which they considered too loosely structured, academic, and abstract.

The evaluation asked for ratings of the individual sessions. Each session received an average minimum rating of "3." Racial Concentration Strategies (first session Sunday) and Limited Resources-Constituencies (first session Saturday afternoon) received the highest ratings. The Opening Session received the lowest ranking (3.1), well below all the others.

Overall, conference attendees found the conference a beneficial experience. They indicated that the conference was relevant to their own individual academic and practitioner work. They found the interactions between practitioners and academics very enjoyable, and found it rewarding to interact with new people. Some particularly enjoyed the interactive panel structure. Respondents found the discussions intellectually provocative and some felt the focus on problems faced by legal services programs was useful. In addition, some found the con-

ference a valuable way of observing the manner in which economic theory and actual practice diverge. They noted that it provided a broader perspective to practitioners, while exposing the gulf between policy makers and practitioners and, perhaps, showing the potential for bridging this gulf.

On average, respondents indicated a strong interest in participating in another conference with the same individuals present. All but one felt that there was substantial value in conducting discussions of this kind in other substantive areas of public interest law, and on a regional and national basis in the future.

Respondents criticized several features of the conference. There was strong sentiment that the conference lacked an adequate diversity of participants.³ Some felt that the ideas and advocates from the Charles River Region of New England were overrepresented (one likened the conference to a "Boston Housing Conference"). Several advocates expressed great dismay at the inadequate representation of both advocates of color and client groups. One individual indicated that client groups should have been more active, particularly in the limited resources panel. This individual found it disturbing that "upper middle class white men" were debating the empowerment needs of the minority poor.

Some complained that the structure of the discussion groups was problematic. Many indicated a desire for fewer panels with smaller groups of attendees and more in-depth, narrow topic analyses. A few found the discussions too loosely structured, academic, and abstract. One individual indicated that the "conversation was too polite and sanctimonious . . . a vocational hazard." Some felt that the Legal Services advocates were unable to effectively exchange and relate their experiences.

Conference attendees offered many suggestions for improving conferences in the future. For example, the moderator should direct pointed questions to the audience and the panels in order to generate more discussion. Moreover, presenters need more guidance and advance notice of their roles at the conference, and they should stream-

3. Of the 53 participants, 68% were male, 32% female, 85% white, 11% black and 4% Hispanic. There were no black women or Hispanic men. 51% of participants were advocates, of whom two-thirds were legal services attorneys (including three working in a joint legal services and law school program), 19% were other lawyer advocates, and only 6% were community-based non-lawyer advocates. 36% were academics, mostly from law school environments (15 of 19). 11% were policy makers, all but one of whom was an office holder. One participant was an English public interest lawyer.

line their presentations by conferring prior to the actual discussions. Brief outlines of panelists' presentations should be provided to attendees.

Echoing the diversity criticism, a number of attendees suggested that a broader range of constituencies be represented at future conferences, including legal services clients, activists inside and outside the profession, and various regional groups. Some also thought the topics covered should be more narrow, streamlined, and deeply probed. On the other hand, some participants wished that the conference could have incorporated more of a day-to-day feel of legal services advocacy, and included more people with a heavy and direct involvement in legal services. One person suggested an elimination of the round table discussion format in favor of presentations by speakers.

Only anecdotal reports have been obtained since the mail survey. Some of these reports are very enthusiastic, reporting that important new perspectives were obtained from the interchange. Several advocates have attributed new advocacy approaches to the broader perspectives that they were exposed to during the discussions.

ACCOMPLISHING THE CONFERENCE GOALS

1. Developing Strategic Insights and Lowering Barriers

The richness of the topics compared to the available time for discussion (about 11 hours) meant that each panel actually explored only a couple of ideas. Even those explorations ended before their possibilities had been exhausted. That was one of the reasons for the urgency in the discussions over coffee and meals.

This case study can only begin to effectively convey the interplay among the communities that participated in the conference. Long-standing conflicts were surfaced in an environment that permitted participants to express and develop ideas without great personal cost. The presence of the group meant that strong differences could be exposed and explored in a spirit of collegiality rather than confrontation.

This interplay was very important to the meaning of the conference for all of the participants. For example, several of the policy makers — Dan Wuenchel, Harry Spence, Peter Dreier — put forward strong positions that directly questioned the choices being made within the priorities of legal services advocates. Wuenchel asked why legal services concentrated so many resources on the question, "Which poor person shall live in public housing?", when all of those in the housing, and seeking the housing, are poor.

Spence argued forcefully that legal services attorneys are afraid to let the poor tenants they represent, in public housing and in the community, choose the quality of life they actually want. He suggested that groups of low-income tenants would choose to chase drug dealers, drug users, and even the families of drug users from their midst in order to create safer, saner environments. Moreover, Spence argued that legal services lawyers let their personal politics get in the way of providing representation to community members who would make choices with which they disagree.

Dreier questioned the value of putting substantial resources into representations of individual tenants or even litigation on behalf of tenant groups struggling over housing conditions, when the real issues are the contests over major resources being battled out in Congress and the State House. Dreier urged legal services to consider a far more proactive and aggressive social change strategy, joining with other progressive forces to bring new forms of decision making to the housing policy arena.

On each of these issues, the legal services advocates contested the premises, urged the importance of individual representation, and suggested that different elements within the housing advocacy community had to play different roles. The assertion of policy analysts that legal services advocates should join their efforts to a broad-ranging movement in the society was characterized as wrong-headed. The nature of the advocates' commitment to particular clients and their current issues was pressed in opposition to grand designs for social transformation.

While these issues were not resolved, they received more concerted, cross-community discussion than has otherwise been occurring. Among the benefits of the cross-community nature of the debate was that the policy makers were able to hear and understand the sources of legal services disagreement more clearly than they can during the normal, more confrontational encounters that characterize the usual relationship between policy makers in public positions and advocates for the poor.

Other cross-community interactions were equally important. For example, one of the organizers present was astonished to learn that legal services lawyers might actually be available to provide representation to low-income groups (as opposed to individuals) working for economic development objectives instead of engaging in litigation. His

astonishment implied real doubt that the legal services attorneys he knew would take on such a role.

Another organizer questioned the assertion of the Legal Services Center representatives that sufficiently focused attorneys could stop evictions indefinitely in Massachusetts. The conference began a new dialogue about possible strategies for protecting and developing affordable housing options for the poor.

Similarly, one of the academics emerged from the conference expressing astonishment at the way in which the experience of advocates vigorously asserting tenant defenses in eviction altered his perception of the economic problems in the housing market. Economic models predicted high levels of abandonment in the face of code enforcement and increased housing maintenance costs due to litigation. However, the marketplace had little difficulty in adjusting to these costs by depriving a current owner of profits unjustified by the condition of the asset and substituting a new owner who, by purchasing at a lower price, could manage the structure profitably despite maintaining the building in code condition. As long as the marketplace produced new buyers, code enforcement and aggressive tenant defense failed to produce the results predicted by the models. The tenant advocates reported that only one building had been abandoned for want of a buyer in ten years of advocacy.

Several legal services advocates commented about the relatively abstract level of the discussion. These advocates felt the conference would have been far more valuable had it focused more on specific litigative, organizing or legislative strategies and developed practical methods for implementing such strategies.

In retrospect, the value of written materials for preparing a conference of this kind may have been underestimated. At the very least, a bibliography could have been prepared which identified the reading material that participants considered most critical for an understanding of their own positions on the issues. In addition, given sufficient lead time and a budget for copying and mailing, each participant might be allowed to identify some brief piece of writing that captured a point the participant considered essential. These brief pieces could have been circulated, and would have been a reasonably useful reference document when the conference concluded.

Alternatively, the conference planners could have taken a more directive role in designating useful materials that would inform the discussions. This approach would have run the risk, however, of

controlling or shaping the contributions of the participants during the conference. At the very least, some part of the discussions would have revolved around the arguments in the readings, or responses to them, at the expense of direct exchanges between individuals.

2. *Using a Fish-Bowl*

During the conference, each topic discussion found a substantial majority of participants able to speak, follow the discussion closely, and become engaged by the ideas. There was little of the traditional falling away from the debate as time passed.

Facilitators have a special role in a fish-bowl. They must be far more active than when serving in a similar role for a traditional panel presentation. Their interaction with both panel and participants must be constant and attentive. Within this active role there are many options. During the conference, the author facilitated by keeping track of the development of the conversation and the interest in participation within the audience. Another facilitator, Chris Edley, was more directive. He selected particular parts of the initial remarks, questioned them himself, and guided the participants' involvement toward what he perceived as the most difficult or contentious aspects of the topic. This had the advantage of prompting deeper and more detailed discussion. However, it had the disadvantage of controlling the substantive content rather than allowing the participants to direct their own exploration.

3. *Testing and Providing a Model for Other Conferences*

One of the objectives of the conference was to establish a model for similar events. When this objective is assessed from a budget perspective, two results seem to follow. First, this conference could be carried out with a significantly smaller support grant if the planning, recruitment of participants, and administrative details were absorbed within an existing administrative budget. In addition, if participants were all local, or if they paid their own travel and lodging expenses, costs could be reduced dramatically.⁴ The actual costs of dinner, coffee, pastries,

4. One modification that might improve the quality of interaction at similar conferences in the future would be to hold the conference at a site apart from the work city of most of the participants. This would reduce the number of late arrivals and mid-program departures. On the other hand, such a modification would significantly increase conference cost. Whether the continuity of discussion would be worth the price may vary depending on the topics and participants.

and lunch for this group meeting from Friday evening until Sunday noon were less than \$2,000.

Second, it would seem possible for an organization to undertake the sponsorship of conferences of this type on a self-sustaining basis.⁵ In rough terms, a very experienced and respected staff director hired by a non-profit organization at an annual salary of \$60,000, with a quarter-time secretary at \$5,000 (and benefits at 20% of salary), could mount one conference per month for 50 people. Participants would have to pay their own travel, lodging, and meals (no dinners or lunches provided).⁶ Critically important would be the ability to recruit participants without having to pay speakers or moderators any fees, but that should be possible. Expenses for the conference room would usually be absorbed by the hotel or by a local university, but would never exceed \$500 per weekend. Coffee for the period of the conference might total \$700. Marketing costs, including telephone and mailings, would probably come to no more than \$400 or \$500 per conference. The staff director would probably need about \$500 per conference for travel, unless the conferences were all held in the director's city.

The total budget for twelve conferences per year, based on these assumptions, is \$104,400. A fee of \$175 per participant would cover all these costs and would almost certainly be available. If a grant of \$60,000 were obtained (\$5,000 per conference), the balance could be covered in a registration fee of only \$75 per participant. If the director were able to handle multiple presentations of similar conferences at different sites, with two conferences per month, the cost of 24 conferences would be only \$130,800, and the price per participant (without grant support) only \$110.

4. *Written Product?*

No transcript or conference summary was prepared after the event in which the various arguments, positions, and data put forth during

5. The author is a principal in Singen & Tyrrell Associates, a small training partnership that periodically presents training programs for legal services managers. The cost and administrative estimates in the text are based on his personal experience.

6. Many legal services advocates feel their programs lack the funding to pay for food, lodging, and travel. Of course, if the sessions are as valuable to participants as suggested in the text, programs would be well advised to find the modest funds required. For truly impoverished programs (there are many that lack either Legal Services Corporation or Interest on Lawyer Trust Account funding), there might have to be a scholarship fund (from a grantor), or the sponsor of the session might have to charge a higher fee to allow for some free participants.

the conference were captured, recorded, and made available for future reference. While the value of such a document is generally not great compared to the personal impact of forcefully stated ideas and vigorously engaged debate, it seems likely that some participants would have found a recapitulation of some use. A written record of points of view might also facilitate subsequent relationships among the participants.

It is also possible that a careful report of the major themes disputed, with a carefully edited version of the debates, might be useful to people who were not present. The cost of preparing such a document would be considerable; whether it would be a sensible expenditure is not clear. Most of the ideas expressed in the conference already exist somewhere in writing. The unique opportunity afforded to participants during the conference was the exchange of perspectives across traditional barriers of differing workplaces and institutional perspectives.